

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

IN RE:
MARSHA JANE PETERSON

CASE NO: 09-52980 C

Debtor

TRUSTEE'S MOTION TO DISMISS AND
NOTICE OF HEARING

A HEARING WILL BE HELD ON THIS MOTION AT COURTROOM#1 , U. S.
POST OFFICE BUILDING, 615 E. HOUSTON STREET, SAN ANTONIO,
TEXAS, ON December 07, 2010 AT 9:30 A.M. THIS WILL BE THE ONLY
NOTICE OF THIS HEARING.

COMES NOW Mary K. Viegelahn, Trustee, in the above captioned case, and
files this her Motion to Dismiss and Notice of Hearing. In support thereof, the
Trustee would represent to the Court the following:

The Debtor is in material default with respect to the terms of the Plan as confirmed
by the Court. The Debtor has failed to make payments as required by the Plan.
The Debtor is in arrears \$25,000.00 through September 2010. The Plan payment is
\$5,000.00 per month.

Pursuant to the Local Rule 3025(a) a Debtor may use a tax refund to cure a
delinquency. The Trustee requests that the Debtor forward the 2009 tax refund, if
a refund was received by the debtor, to cure the plan arrears.

Cause exists to dismiss this case.

WHEREFORE, PREMISES CONSIDERED, the Trustee moves that the subject case be dismissed pursuant to 11 U.S.C §1307 .

Dated: October 05, 2010

/S/

**MARY K. VIEGELAHN
909 N.E. Loop 410, Suite 400
San Antonio, TX 78209
(210) 824-1460**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent to all parties listed on the matrix on file with the U.S. Bankruptcy Clerk's Office on or about the time this document was electronically filed with the Clerk on October 05, 2010. A copy of the Certificate of Mailing of this document is on file and may be viewed at the U.S. Bankruptcy Clerk's Office.

/s/

Mary K. Viegelahn, Chapter 13 Trustee

CERTIFICATE OF NOTICE

District/off: 0542-5
Case: 09-52980

User: admin
Form ID: pdfapac

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Total Noticed: 33

Date Rcvd: Oct 06, 2010

The following entities were noticed by first class mail on Oct 08, 2010.

db Marsha Jane Peterson, 1101 18th Ave. S., #608, Nashville, TN 37212-2225
aty +John McPherson Pinckney, III, STRASBURGER & PRICE, LLP, 300 Convent St., #900,
San Antonio, TX 78205-3715
aty +Langley & Banack, Inc., c/o William R. Davis, Jr., 745 E. Mulberry, Suite 900,
San Antonio, TX 78212-3141
cr +ECAST Settlement Corporation, c/o Claiborne B. Gregory, Jr., Jackson Walker LLP,
112 E. Pecan Street, Suite 2400, San Antonio, TX 78205-1510
cr +Internal Revenue Service, c/o Gary W. Wright, Assistant United States Attorney,
601 N.W. Loop 410, Suite 600, San Antonio, TX 78216-5512
intp +Michael T. Fort, 511 New Highway 96 West, #204, Franklin, TN 37064-2557
14111851 ACS, P.O. Box 78844, Phoenix, AZ 85062-8844
14111852 +Charles McDaniels, d/b/a Wild Sunday Farms, c/o David Zager, Attorney at Law,
1125 Balbade Drive, Nashville, TN 37215-4501
14111853 +Chase Home Equity, 8333 Ridgpoint Drive, Floor 01, Irving, TX 75063-5812
14213859 +ECMC, P.O. Box 75906, Saint Paul, MN 55175-0906
14111855 Evensong Farm, Attn: John Payne, 19435 Juergen Rd., Cypress, TX 77433-6519
14111856 +Floor Works, c/o Bill Killebrew, P.O. Box 40926, Nashville, TN 37204-0926
14255171 +HSBC Bank Nevada, N.A., by PRA Receivables Management, LLC, PO Box 12907,
Norfolk VA 23541-0907
14111857 ++INTERNAL REVENUE SERVICE, CENTRALIZED INSOLVENCY OPERATIONS, PO BOX 21126,
PHILADELPHIA PA 19114-0326
(address filed with court: Internal Revenue Service, P.O. Box 21126, Philadelphia, PA 19114)
14111859 +JPMorgan Chase Bank, c/o LPS, 1270 Northland Drive, Suite 200,
Mendota Heights, MN 55120-1176
14111858 +John Pinckney, III, Strausburger & Price, LLP, 300 Convent St., Suite 900,
San Antonio, TX 78205-3715
14111860 +Langley & Banack, Inc., 745 E Mulberry Ave., Suite 900, San Antonio, TX 78212-3141
14111861 +Leighton Moss, c/o John Pinckney, III, Strausburger & Price, LLP,
300 Convent St., Suite 900, San Antonio, TX 78205-3715
14111862 +MBNA - America, P.O. Box 15026, Wilmington, DE 19850-5026
14111863 Mid-State A/C & Heating, Hwy. 100, Fairview, TN 37062
14111864 ++NATIONSTAR MORTGAGE LLC, P O BOX 299008, LEWISVILLE TX 75029-9008
(address filed with court: Nationstar Mortgage, LLC, 350 Highland Drive,
Lewisville, TX 75067)
14127985 +Nationstar Mortgage, PO Box 829009, Dallas, Tx 75382-9009
14311495 ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates LLC, PO Box 41067, Norfolk VA 23541)
14111865 Sallie Mae Guarantee Services, Inc., P.O. Box 6180, Indianapolis, IN 46206-6180
14111866 +Sallie Mae Inc. on behalf of, National Student Loan Program, P.O. Box 82507,
Lincoln, NE 68501-2507
14153692 Sallie Mae Inc., on behalf of USA Funds, Attn: Bankruptcy Litigation Unit E3149, PO Box 9430,
Wilkes-Barre, PA. 18773-9430
14111867 +Sallie Mae Trust, c/o Sallie Mae Inc., 220 Lasley Ave., Wilkes-Barre, PA 18706-1496
14111868 +Schlanger, Silver, Barg & Pain, 109 N. Post Oak Ln., #300, Houston, TX 77024-7755
14111869 ++TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
(address filed with court: Toyota Motor Credit Corporation, 5005 N. River Road NE,
Cedar Rapids, IA 52411-6634)
14111870 +U.S. Attorney, 601 NW Loop 410, Suite 600, San Antonio, TX 78216-5512
14111871 +U.S. Attorney General of, Main Justice Bldg., #5111, 10th & Constitutional Ave., NW,
Washington, DC 20530-0001
14111872 +Wolpoff & Abramson, LLP, 5215 North O'Connor Blvd., #1060, Irving, TX 75039-3770
14111854 eCAST Settlement Corporation assignee of, FIA Card Services aka Bank of America,
P.O. Box 35480, Newark, NJ 07193-5480

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Leighton Moss
cr* Nationstar Mortgage, PO BOX 829009, DALLAS, TX 75382-9009
14312318* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC., P.O. Box 41067,
Norfolk, VA 23541)

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

District/off: 0542-5
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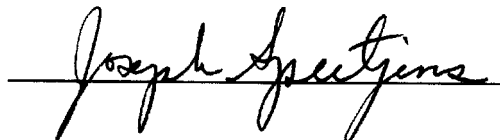
***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Oct 08, 2010

Signature:

A handwritten signature in black ink, reading "Joseph Speetjens", written over a horizontal line.